

ORDINANCE NO. CO27.19.08.22.E3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES, CHAPTER 11 ZONING RELATED TO OUTDOOR COMMERCIAL AMUSEMENT, MAJOR AND OUTDOOR COMMERCIAL AMUSEMENT, MINOR, AND AMENDING ARTICLE 11.02 ZONING DISTRICTS AND LAND USES, DIVISION 3. LAND USES, SECTION 11.02.064 NONRESIDENTIAL USES BY ZONING DISTRICT, AND DIVISION 4. CONDITIONAL AND SPECIAL USES, SECTION 11.02.092 CONDITIONAL AND SPECIAL USE STANDARDS AND CONDITIONS, AND ARTICLE 11.09 DEFINITIONS, SECTION 11.09.001 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park ("City Council") desires to update regulations related to Outdoor Commercial Amusement to establish both Minor and Major Outdoor Commercial Amusement categories; and

WHEREAS, the proposed amendment, supporting the 2018-2020 Strategic Goal of Distinctly Cedar Park with the opportunities to create unique and distinctive developments; and

WHEREAS, City Staff has determined that the proposed amendments provide additional opportunities to address issues related to land use compatibility, site layout, traffic, and overall public safety concerns; and

WHEREAS, City Staff has determined that the proposed amendments provide consistency with regulations established in the Texas Local Government Code and other Chapters within the City's Code of Ordinances; and

WHEREAS, the City posted proper notice and conducted public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, on July 16, 2019 the Planning and Zoning Commission voted 7-0 to recommend approval of the proposed amendments to Chapter 11 Zoning; and

WHEREAS, the City Council finds that the proposed amendments to Chapter 11 Zoning are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 11 Zoning the Cedar Park Code of Ordinances be amended as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 8<sup>th</sup> day of August, 2019 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of August 2019, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS



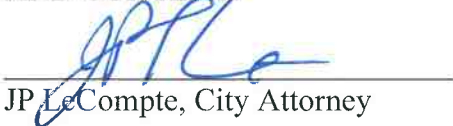
Mike Guevara, Mayor Pro Tem

ATTEST:



LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:



JP LeCompte, City Attorney

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## EXHIBIT A

Only the changes shown below in red will be modified with this ordinance amendment.

### ARTICLE 11.02 ZONING DISTRICTS AND LAND USES

#### Division 3. Land Uses

##### Sec. 11.02.064 Nonresidential uses by zoning district

Table 11.02.064. Nonresidential Uses by Zoning District															
Legend: P = Permitted; C = Conditional; S = Special Use; – = Prohibited															
Land Use	Standards Reference	Nonresidential											Mixed Use District		Overlay District
		NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
Outdoor commercial amusement, <u>Major</u>	11.02.092 (37)	–	–	S	–	S	S	–	–		–		S	S	P
<u>Outdoor commercial amusement, Minor</u>		=	=	<u>S</u>	=	<u>S</u>	<u>S</u>	=	=	=	=	=	<u>S</u>	<u>S</u>	<u>P</u>

#### Division 4. Conditional and Special Uses

##### Sec. 11.02.092 Conditional and special use standards and conditions

37. Outdoor commercial amusement, Major, may be considered subject to the use being spaced a minimum of 600 feet from any single-family residential district, measured along a straight line between the closest district boundary lines.

### ARTICLE 11.09 DEFINITIONS

#### Sec. 11.09.001 Definitions

Outdoor commercial amusement, Major. Uses that provide large scale, regional commercial amusement outdoors, except for sexually oriented businesses, as defined herein, including, but not limited to:

- A. Amusement parks or theme parks;
- B. Fairgrounds;
- ~~C. Miniature golf establishments;~~
- ~~D. Golf driving ranges;~~
- ~~E. Sports fields;~~
- ~~C.-F. Drive-in theaters;~~
- ~~D. Go cart tracks~~
- ~~E.-G. Water park/slides; and~~
- ~~F. Skate Parks~~
- ~~H. Batting cages.~~

Outdoor commercial amusement. Minor. Uses that provide commercial amusement outdoors, on a local, neighborhood scale, as defined herein, including, but not limited to:

- A. Miniature golf establishments;
- B. Sports fields;
- C. Golf driving ranges; and
- D. Batting cages.